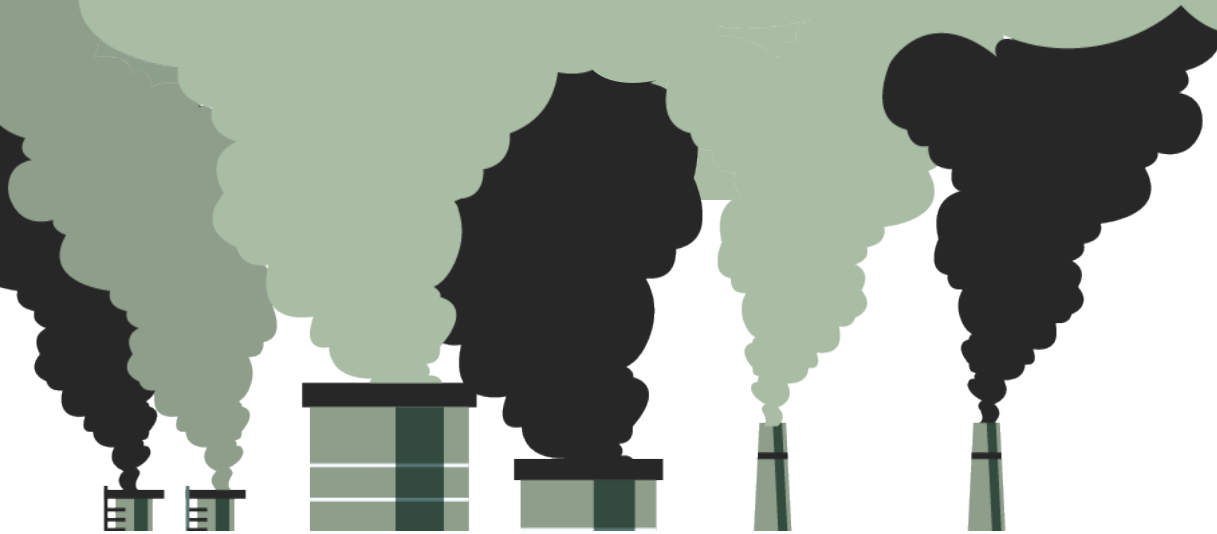


COLORADO'S AIR UNDER THREAT

How Senator Cory Gardner is Facilitating the Trump Administration's Attack on Our Air Quality

Released July 2020



INTRODUCTION

Air pollution jeopardizes the health and well-being of Coloradans, the outdoor recreation economy, and the Colorado way of life. Indeed, Coloradans' lives and livelihoods are on the line. For years, the Trump administration and its allies in Congress have waged war on environmental protections. Now, during a global health crisis, the administration continues to dismantle bedrock regulations that protect the American public. A comprehensive study from Harvard's School of Public Health shows that the coronavirus is [demonstrably more deadly](#) to people who live with polluted air. More than ever, we need our elected officials to stand up for our health and the environment over the profits and interests of industry polluters.

We see signs of hope. Most members of the Colorado delegation continue to lead on common sense policies to fight pollution, protect our environment, and address the climate crisis. Unfortunately, Senator Cory Gardner has consistently voted against policies to protect clean air for Coloradans, siding instead with President Trump, Senate Majority Leader Mitch McConnell, and special interests.

This report examines the current state of the air in Colorado, the implications of recent attacks on clean air policies from the Trump administration, and policy recommendations for Senator Gardner to better represent his constituents, protect our health, grow the outdoor industry economy, and ensure that the Colorado lifestyle is here to stay. At a minimum, our representatives should call for a congressional investigation into the Environmental Protection Agency's decision-making on rollbacks, stand up against the Trump administration's efforts to weaken emission standards, and support existing legislation to address the climate crisis.

Instead of consistently siding with President Trump, Senate Majority Leader Mitch McConnell, and special interests, Sen. Gardner needs to act quickly to protect Colorado's public health and way of life. Sen. Gardner should urgently join Sen. Bennet and lead on the [Clean Air, Healthy Kids Act](#). This bill would block many Trump administration rollbacks, including its efforts to reverse the Clean Power Plan¹, Fuel Economy Standards and state authority under the Clean Air Act, energy efficiency standards for appliances, and methane standards for the oil and gas industry, and would be a critical step to protecting public health in the midst of a global pandemic.

THE STATE OF COLORADO'S AIR

When people think of Colorado, often images of towering ranges, pristine mountain lakes and vast swathes of wilderness under bright blue skies come to mind. The reality, sadly, is that parts of Colorado have some of the worst air in the country, particularly in communities of color or low-income neighborhoods. Now, in the midst of a global public health crisis, this air pollution has put these communities and others across Colorado at greater risk, and threatens the Colorado way of life and outdoor recreation and tourism economy.



Source: Colorado Dept. of Public Health & Environment, Air Pollution Control Division, Technical Services Program (Wed, Mar 6 2019, 3:00 PM)

Air Quality In Large Parts Of Colorado's Front Range Is Among The Worst In The Country

The American Lung Association's 2020 ["State of the Air"](#) report ranked Colorado's capital, Denver, as the 10th worst city in the nation for ozone pollution, commonly referred to as [smog](#). Fort Collins, just north of Denver on the Front Range, ranked 19th. Indeed, the stretch between Denver and Fort Collins has failed to meet federal smog standards [for years](#). In fact, in [2019](#), the Environmental Protection Agency (EPA) reclassified Denver from a "moderate" to "serious" violator of federal air quality standards.

The [source](#) of the pollution is clear: oil and gas activities in the state, as well as emissions from vehicles. Scientists concluded that between Denver and Boulder, the primary culprit is vehicle emissions. But further north, oil and gas activities are contributing the most to the region's air quality issues.












The smog that hangs over these Front Range cities doesn't stay put. Winds can carry smog into the surrounding foothills and mountains, making even rural and wilderness areas prone to bad air quality. In fact, Colorado's four national parks—Great Sand Dunes, Rocky Mountain, Black Canyon of the Gunnison and Mesa Verde—are prone to unhealthy levels of ozone pollution nearly as high as those found along the Front Range, likely as a result of nearby traffic and dirty energy production.

As A Result of Smog, Coloradans' Health And Way Of Life Are At Risk

Of course, breathing bad air is dangerous and can result in a variety of health issues. Ozone and particle pollution irritates lungs, causing respiratory harm (e.g., worsened asthma, worsened chronic obstructive pulmonary disease, inflammation), and may also lead to premature death and cardiovascular harm (e.g., heart attacks, strokes, heart disease, congestive heart failure). Colorado's damaging levels of air pollution, particularly in the Front Range, not only put the 504,549 Coloradans with asthma at risk, but also all of those healthy adults who work and exercise outside at risk.

To make matters worse, a study examining data from more than 3,000 counties nationwide determined that air with higher levels of particulate pollution (soot, dust, smoke and other air toxics) is associated with higher rates of death from coronavirus. As a result, people who contract coronavirus and live in areas with high levels of air pollution are significantly more likely to die from the virus than people in areas with less air pollution. Moreover, individuals with pre-existing conditions, including respiratory conditions, face higher risk of complications from the coronavirus. Not only must Coloradans cope with dirty air that is making many of them sick, but they also run the risk that dirty air could lead to death from coronavirus.

POTENTIAL HEALTH EFFECTS OF OZONE AND PARTICLE POLLUTION

HEALTH EFFECTS	OZONE POLLUTION	PARTICLE POLLUTION
 Higher COVID-19 mortality rates		✗
 Respiratory harm (worsened asthma, COPD and inflammations)	✗	✗
 Premature death	✗	✗
 Cardiovascular harm (heart attacks, strokes, heart disease, and congestive heart failure)	✗	✗
 Susceptibility to infections	✗	✗
 May cause reproductive and developmental harm	✗	✗
 Shortness of breath	✗	✗
 Wheezing and coughing	✗	✗
 Harm to the nervous system (e.g. reduced brain volume, cognitive effects)		✗
 May cause harm to the central nervous system	✗	
 Cancer		✗

Sources: American Lung Association 1, 2; Environmental Protection Agency 1, 2

Due to enduring residential segregation², communities of color and lower income communities are frequently plagued by air pollution, putting residents at risk while they simply go about their day-to-day lives. Oil and gas operations are often built in or near Black neighborhoods, leaving Black Americans disproportionately subjected to ozone smog and methane and toxic pollutants. In fact, air breathed in communities of Hispanic, Asian, Black, and lower-income Americans is more likely to contain hazardous pollutants than the air found in wealthier, predominantly White neighborhoods. Moreover, researchers found that particle pollution in America generated by economic activities is disproportionately inhaled by Black and Hispanic residents.

Air breathed in communities of Hispanic, Asian, Black, and lower-income Americans is more likely to contain hazardous pollutants than the air found in wealthier, predominantly White neighborhoods.

The same disparities in air quality exist in Colorado communities. According to the State, Coloradans of color are more likely to live in areas with higher air pollution. Although auto pollution makes air less safe for all Coloradans to breathe, Black, Asian, and Latinx Coloradans face significantly more exposure to particle pollution from vehicles than White Coloradans because of where they live. For example, the Globeville and Elyria-Swansea communities in North Denver, home to predominantly lower-income people of color and surrounded by oil refineries, transportation projects, industrial activity, and Superfund sites, have been deemed the “most polluted zip code” in the country. Those communities experience higher rates of asthma, respiratory problems, and cancer than neighboring Denver communities.

Coronavirus is already exposing the devastating impact of these disparities, as a recent national study showed that Black Americans are succumbing to the lethal coronavirus at a rate much higher than other populations, which could be connected to their long-term exposure to air pollution, according to preliminary data from scientists. Early data showed that Coloradans of color face disproportionately high infection rates, and Black Coloradans have died at higher rates from the virus.

Air pollution poses more than a health risk. Colorado's outdoor recreation economy is a \$62 billion a year industry, supporting more than a half million jobs. The state's pollution problem, though, threatens the industry, including the jobs it provides. Coloradans and visitors could be forced to choose between their respiratory health and their favorite outdoor recreation on certain days, potentially damaging the state's outdoor recreation economy. Moreover, many Coloradans view access to the outdoors as not just an activity, but a way of life. Polluted air fundamentally threatens that way of life.

EROSION OF KEY ENVIRONMENTAL PROTECTIONS

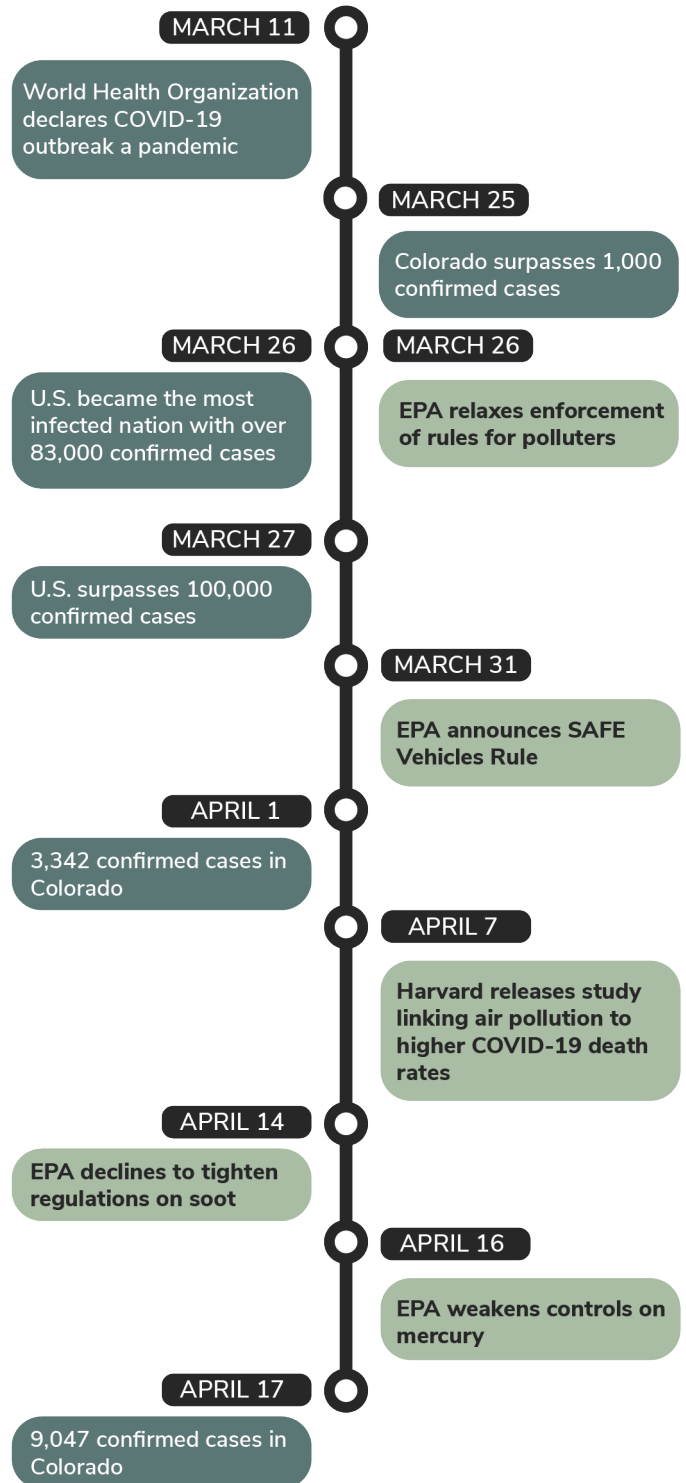
In a span of just five weeks at the start of the coronavirus public health crisis, the Trump administration responded by undermining or repealing critical environmental and public health safeguards, oftentimes against the advice and guidance from experts and scientists. These efforts have been supported by special interests and Republicans in Congress, including Sen. Gardner, who has consistently voted against clean air protections.

Throughout his time in congress, Sen. Gardner has worked to make it harder to crack down on the corporations that pollute the air we breathe, has helped dismantle the Environmental Protection Agency (EPA), and worked to make it harder to establish or enforce environmental safeguards on things like air pollution. This continues today, as Gardner voted to confirm both Andrew Wheeler and Scott Pruitt as heads of the EPA under the Trump administration. Both administrators' ties to the fossil fuel industry and opposition to public health and environmental safeguards were well known, far in advance of Gardner's votes to confirm the appointment of both men.

EPA Undermines Science-Based Decision Making, Despite Coronavirus Risks

Immediately after a [Harvard research study](#) found that long-term exposure to fine particulate matter leads to higher coronavirus death rates, the Trump administration [refused](#) to tighten regulations on lung-damaging industrial soot emissions when they came up for review in April. The EPA has linked particulate pollution to tens of thousands of premature deaths a year, and even slightly reducing emissions [could save](#) thousands of American lives every year. While Senator Michael Bennet [spoke out](#) against the administration's actions, Gardner has refused to speak out, despite the known health risks to Coloradans. This came as little surprise given that as a member of the U.S. House of Representatives, Gardner voted³ to weaken the EPA's air pollution rules, essentially keeping in place decades-old rules

ROLLBACKS DURING WORSENING PUBLIC HEALTH CRISIS



and preventing the EPA from updating the standards based on new science.

Pollution Enforcement Rules Were Suspended By The Trump Administration

Amid the growing coronavirus pandemic, the Trump administration also indefinitely suspended key environmental enforcement rules, exempting power plants, factories, and other polluters from facing consequences for polluting our air and water during a public health crisis. EPA administrators announced this decision in March, only days after energy industry lobbyists submitted a ten-page request to the EPA to relax environmental protections.

As a result, we could see loss of life and permanent damage to public health and the environment, making this decision an abdication of the EPA's responsibility to protect our health and environment. In the middle of a pandemic that disproportionately harms our most sick and vulnerable, the administration is leaving every American to fend for themselves as big polluters are allowed to pollute at will. Gardner voted to confirm EPA Administrator Andrew Wheeler, a former coal industry lobbyist who is now leading these harmful changes, even after environmental groups sounded the alarm.

Weaker Tailpipe Emissions Rules Are Put In Place, Despite Threats To Our Air And Lives

In March, Trump's EPA weakened an Obama-era rule aimed at curbing auto emissions from vehicles that contribute to climate change. The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule lowers fuel efficiency standards and will result in about one billion more tons of carbon dioxide and 80 billion more gallons of gasoline consumed than under the Obama-era standards.

To justify the rule change, the Trump administration used flawed science to reduce the costs and inflate the benefits. A peer-reviewed analysis showed SAFE would likely worsen traffic deaths, carbon pollution, and global warming. This comes after Trump revoked California's authority under a Clean Air Act waiver to set its own tougher vehicle emissions standards—which Colorado and 14 other states and Washington D.C. had adopted. The administration's actions were an unprecedented attack on the Clean Air Act and undermines the authority of states to adopt stronger tailpipe pollution standards than those set by the federal government, which are intended to improve public health and save drivers money.

TRUMP'S SAFE VEHICLES RULE VS. OBAMA-ERA STANDARDS

	Fuel economy standards by 2025	Fuel Economy standards by 2030	Reduced greenhouse gas emissions by 2025	Reduced greenhouse gas emissions by 2030	Reduced greenhouse gas emissions by 2035
Obama-era Rule	45.5 mpg	49.5 mpg	85 MMTs	366 MMTs	2249 MMTs
Trump-era Rule	38.9 mpg	42.3 mpg	19 MMTs	69 MMTs	401 MMTs

mpg: miles per gallon, MMTs: million metric tons

Source: Rhodium Group

Colorado's dirty air problem stems in large part from vehicle emissions, making these rollbacks particularly damaging for the state's residents. Moreover, transportation accounts for one of the largest shares of greenhouse gas emissions responsible for global warming. Reducing tailpipe emissions is key in addressing climate change. This move by the Trump administration, which goes against the well-being of the American people, will increase air pollution in our communities, force drivers to spend more at the pump, and exacerbate the ongoing climate crisis. Nor has Gardner spoken out against fossil fuel bailouts. Moreover, while representing Colorado in the U.S. House of Representatives, Gardner voted⁴ multiple times against allowing the EPA to regulate greenhouse gas emissions.

Weakening Regulations On Release Of Toxic Mercury And Other Heavy Metals

In April, the EPA also undermined regulations on the release of mercury and other toxic air pollutants from oil and coal-fired power plants, despite the industry [advocating](#) for the measures to stay in place. The Obama administration [estimated](#) that the original Mercury and Air Toxics Standards rule would prevent 4,700 heart attacks, 130,000 asthma attacks and 11,000 premature deaths each year.

Conveniently, the Trump administration's new rule no longer calculates the impact of these protections. Despite the need to strengthen regulations that even the industry was broadly on board with, Gardner voted to delay EPA action on mercury air standards. This wasn't the first time that Gardner voted to let coal-fired plants continue to pollute our air. Gardner voted⁵ in favor of an amendment to the Keystone XL Pipeline Approval Act in 2015 that exempted coal-waste burning power plants from key EPA emission rules for heavy metals, including mercury.

RECOMMENDED POLICY ACTIONS

The recent environmental rollbacks put Coloradans at risk, not just now in the face of a pandemic, but also in the future as the state battles dangerous air quality made worse by the decisions of the current administration. The Trump administration has once again opted to side with the interests of Big Oil and polluters over the health and well-being of Americans.

Colorado's elected officials need to immediately stand up for Coloradans' health and the environment, not polluters, and urgently work to reverse these dangerous rollbacks. At a minimum, these actions should include:

- A congressional investigation into the EPA's dangerous decision to relax the enforcement of environmental protections and a determination of how the oil and gas industry influenced EPA decision-making.
- Cosponsor [S.Res.316](#) to defend the authority of states under the Clean Air Act to protect the people of those states from harmful air pollution. Colorado's elected officials should further wield their influence with the Trump administration to defend Colorado's state authority and speak out against the rollback of America's clean car standards. The new SAFE standards are an unprecedented attack on the Clean Air Act, public health, the environment, and consumers.
- Denounce the Trump administration's consistent and often unlawful rejection of science; instead, advocate for decision-making based on science to ensure people are prioritized over polluters.

- Support and pass the [Clean Air, Healthy Kids Act](#). This bill, led by Sen. Bennet, would restore policies aimed at protecting our climate and communities by repealing the EPA's Affordable Clean Energy Rule (rollback of the Clean Power Plan), EPA and Bureau of Land Management's methane standards for the oil and gas industry rollback, and the EPA's SAFE Rule (rollback of the Fuel Economy Standards). It also rescinds the EPA's ability to revoke the states authority waiver under the Clean Air Act, and the Department of Energy's energy efficiency standards for appliances.

While the recent rollbacks are damaging, the U.S. and its leaders must do much more if we want to not only mitigate the risks of climate change, but also to ensure that American lives and livelihoods are not further threatened.

We're facing a climate crisis that cannot be ignored: rising seas, record-breaking wildfires, devastating flooding. We need to boldly address the climate crisis immediately. Our federally elected leaders must renew American leadership on climate by implementing concrete solutions that will spur clean energy development, cut carbon emissions, protect our health, and create more well-paying jobs in clean energy and climate technology.

Despite the growing demand for bold action on climate change, Senate Majority Leader Mitch McConnell and Sen. Gardner lack a meaningful plan to address the crisis. Colorado's elected officials should act urgently to:

- **Support and pass the [Clean Economy Act of 2020](#).** This legislation would strengthen America's growing clean energy economy by achieving net zero carbon pollution across the U.S. by no later than 2050 in a fair, equitable and just manner. This legislation is already supported by Bennet.
- **Support and pass the [100% Clean Economy Act of 2019](#).** This draft legislation mirrors the goals of the Senate's legislation. It would transition the United States to a 100% clean economy by 2050 and require net zero carbon pollution. This legislation is already supported by Colorado Reps. Jason Crow, Joe Neguse, Diana DeGette, and Ed Perlmutter.
- **Support and pass the [International Climate Accountability Act](#).** This legislation would direct the Trump administration to develop a plan for the U.S. to meet its commitments under the Paris Climate Agreement to mitigate the worst impacts of climate change on our health and economy. Bennet has signed on as a cosponsor. Gardner supported President Trump when he recklessly withdrew from the Paris Climate Agreement and [insisted](#) that Congress is the appropriate place to debate this issue.
- **Support and pass the [Clean School Bus Act](#).** This bill directs the Department of Energy to establish the Clean School Bus Grant Program for awarding \$200 million per year in grants for the replacement of existing school buses with electric buses.
- **Support and pass the [Driving America Forward Act](#).** This bill would expand the tax credit for new plug-in electric drive motor vehicles for an additional 400,000 vehicles per manufacturer and extends the tax credit for new fuel cell motor vehicles. Emissions from transportation contribute the most to climate-changing greenhouse gases and the Front Range's smog problem, which is why accelerating the transition to zero emissions vehicles is so important.

- **Support and pass the [Renewable Energy Extension Act](#).** This legislation would extend for five years clean energy tax credits for certain renewable resources, such as the investment tax credit and residential tax credit for solar power. Before the coronavirus related economic downturn, the clean energy industry was one of the fastest growing sectors in the economy, and it is crucial for fighting climate change and cleaning up our air.

ENDNOTES

- 1 The Clean Power Plan set the nation's first-ever limits on carbon emissions from power plants, reduced pollutants that cause the soot and smog that harm health, and advanced clean energy innovation.
- 2 According to an analysis by the [Washington Post](#), segregation persists due to “the legacy of segregated neighborhoods created during the era of Reconstruction and Jim Crow; enduring racial preferences among whites who choose to live near other white people; and significant Latino and Asian immigration after fair housing laws were in place.” According to previous research by [Conservation Colorado](#), “extreme polluters drive housing prices down and, combined with housing discrimination, this causes a trend of more low-income families and people of color living in heavily polluted neighborhoods. Gentrification has worsened the situation, leaving families with no option but to move to polluted neighborhoods.”
- 3 House Vote 140, [2/19/11](#); Congressional Quarterly, [2/19/11](#); Congressional Actions, [H. Amdt. 164](#); Congressional Actions, [H.R. 1](#)
- 4 House Vote 106, [3/6/14](#); Congressional Quarterly, [3/6/14](#); Congressional Actions, [H.R. 3826](#)
House Vote 86, [3/21/13](#); Republican Study Committee, [3/18/13](#); Congressional Quarterly, [3/25/13](#); Congressional Actions, [H. Amdt. 35](#); Congressional Actions, [H. Con. Res. 25](#)
House Vote 603, [9/21/12](#); Congressional Quarterly, [9/21/12](#); Congressional Actions, [H.R. 3409](#)
House Vote 410, [6/21/12](#); Office of Speaker John Boehner, [6/18/12](#); Congressional Quarterly, [6/6/12](#) Congressional Actions, [H.R. 4480](#)
House Vote 249, [4/7/11](#); Congressional Quarterly, [4/7/11](#); Congressional Actions, [H.R. 910](#)
House Vote 96, [2/18/11](#); Congressional Quarterly, [2/18/11](#); Congressional Actions, [H. Amdt. 101](#); Congressional Actions, [H.R. 1](#)
- 5 Congressional Quarterly, [7/12/11](#); Congressional Actions, [H.R. 2401](#)
Senate Vote 9, [1/21/15](#); Congressional Quarterly, [1/21/15](#); Congressional Actions, [S. Amdt. 41](#); Congressional Actions, [S. Amdt. 2](#); Congressional Actions, S.1



Colorado's Air Under Threat is a report co-authored by Rocky Mountain Values.

Rocky Mountain Values is a grassroots non-profit organization made up of Coloradans—not special interests. Right now, Coloradans are worried that Washington is driving up our health care premiums, raising prescription drug costs, and allowing corporate polluters to put our kids' health at risk by attacking our air and water. When our elected officials don't stand up for us, we hold them accountable.

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